

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 14575 of Ernestine M. Brown, pursuant to Paragraph 8207.11 (3107.2, DCMR 11) of the Zoning Regulations, for a variance from the side yard requirements (Sub section 3305.1 (405, DCMR 11) to construct a new dwelling in an R-1-B District at premises 3048 Thayer Street, N.E., (Square 4250, Parcels 155/216 and 155/115).

HEARING DATE: March 25, 1987
DECISION DATE: March 25, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3048 Thayer Street, N.E., is located on the west side of Thayer Street, between Woodridge Street, to the north and 24th Street, to the south. The site is in an R-1-B District.

2. The site is rectangular in shape with a frontage of 50 feet along Thayer Street, and a depth of 165 feet.

3. The R-1-B District extends in all directions from the site. The immediate neighborhood is developed primarily with single family detached dwellings.

4. Pursuant to Paragraph 8207.11 (3107.2, DCMR 11) of the Zoning Regulations the applicant is seeking a variance from the side yard requirements (Sub-section 3305.1) (405, DCMR 11) to construct a new dwelling at the site.

5. The proposed structure would be a rambler consisting of five bedrooms and three baths.

6. The site slopes steeply to the rear approximately 20 feet from the front property line. The total slope from the street to the rear of the lot is approximately 35 feet. The house cannot be extended to the rear of the lot.

7. A previous nonconforming structure existing at the site did not provide the required side yards. This structure was condemned and demolished. The proposed structure will not be as wide as the previous structure.

8. Advisory Neighborhood Commission 5A submitted no report on the application.

9. Numerous neighbors of the site submitted a petition to the record in support of the application since the variance for the side yard was only for three feet, the property has been an eyesore in the community for over ten years and any improvements would benefit the community.

10. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan. The applicant proposes to provide side yards of five feet on each side necessitating a variance of three feet, or 37.5 percent, on each side. The Board concludes that the applicant has met the burden of proof. The site was recently improved with a structure which encroached further upon the required side yards than the proposed structure will. Because of the unusual topography of the site which slopes steeply to the rear, the structure cannot be expanded to the rear. The rear yard provided measures 90 feet while a yard of only 25 feet is required. The Board concludes that it would be impractical to reconfigure the structure to meet the side setback requirements. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 9 of the record.

VOTE: 3-0 (Maybelle T. Bennett, William F. McIntosh,
Charles R. Norris to grant; Carrie Thornhill
and Paula Jewell not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: MAY 8 1967

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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